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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,106	11/26/2003	Gabin Vic	06028.0033-00	6199
22852 7590 03/08/2010 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER VENKAT, JYOTHSNA A	
			ART UNIT 1619	PAPER NUMBER
			MAIL DATE 03/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.		Applicant(s)	
	10/721,106		VIC ET AL.	
	Examiner		Art Unit	
	JYOTHSNA A. VENKAT		1619	

All Participants:

(1) JYOTHSNA A. VENKAT.

(2) DEBOORAH HERZFELD.

Date of Interview: 13 January 2010

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description: _____

Part I.

Rejection(s) discussed:

103 as of record

Claims discussed:

as of record

Prior art documents discussed:

as of record

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/JYOTHSNA A VENKAT /

Primary Examiner, Art Unit 1619

Status of Application: _____

(3) _____

(4) _____

Time: _____

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner informed the attorney that art is no longer applicable in view of pre-appeal and prosecution is being reopened, however if applicants' limit the claim 1 to elected species, which are (1) dye derivatives as the cosmetically active compound; (2)(a) chemical activation as the method of non-reducing activation; (2)(b) polyalkyleneimines as the compound capable of chemical non-reducing activation of hair; and (3) nucleophilic substitution reactions as the covalent bond formation (election dated 3/5/08), then claims are allowable and canceling claims 2-10, 13-21, 23-34. Examiner requested the attorney to send this proposed amendment by fax so that claims can be reviewed. Attorney Herzfeld sent by Right Fax proposed amendment. Examiner reviewed the proposed amendment, and the proposed amendment did not delete the expression "comprising... bond with the activated hair instead claim 1 recited "A process for the cosmetic treatment of hair, comprising: a) producing activated hair by non-reducing activation of hair, where in the non-reducing activation is chemical activation comprising applying to the hair at least one polyalkyleneimine, and b) applying to the activated hair at least one cosmetically active compound comprising at least one functional group capable of forming at least one covalent bond with the activated hair, wherein the at least one covalent bond is obtained after a nucleophilic substitution reaction and wherein the cosmetically activated compound is chosen from dye derivatives". Examiner informed the attorney that the proposed claim is not allowable since it is examiners understanding that the cosmetically active compound comprising at least one compound capable of forming at least one covalent bond with the activated hair is "dye derivatives" and secondly the expressions "at least one polyalkyleneimines and chosen from dye derivatives" are not allowable. Attorney then informed the examiner that examiner did not restrict the species regarding "at least one functional group" since specification at page 12 under [062] teaches reactive 4 blue dye comprising chlorotriazine functional group. Examiner then informed the attorney that example 1 clearly teaches reactive Blue 4 dye and this is applied on hair and this dye belongs to "cosmetically active compound comprising at least one functional group capable of forming at least one covalent bond with the hair". Attorney did not agree and pointed to the examiner that reactive Blue 4 dye is the "cosmetically active compound" and this has chlorotriazine functional group. Examiner also informed the attorney that specification fails to teach all the cosmetically active compounds with the functional groups claimed in claims 2-3. Prosecution was resumed since claims do not comply with written description rejection.